

Adopted	Rejected
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## COMMITTEE REPORT

YES: 9

NO: 2

### MR. SPEAKER:

*Your Committee on* Public Policy and Veterans Affairs, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 8-15-2-17.2 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a)
- 5       Notwithstanding IC 9, the authority may adopt rules:
- 6       (1) Establishing weight and size limitations for vehicles using a
- 7       toll road project, subject to the following:
- 8       (A) The operator of any vehicle exceeding any of the
- 9       maximum allowable dimensions or weights as set out by the
- 10      authority in rules and regulations shall apply to the authority
- 11      in writing, for an application for a special hauling permit,
- 12      which application must be in compliance with all the terms
- 13      thereof, and which application must be received at least seven
- 14      (7) days prior to the time of permitted entry should such permit
- 15      be granted. Such permit, if granted, will be returned to the
- 16      applicant in duplicate, properly completed and numbered, and

- 1 the driver of the vehicle shall have a copy to present to the toll  
 2 attendant on duty at the point of entry.
- 3 (B) The authority shall assess a fee for issuing a special  
 4 hauling permit. In assessing the fee, the authority shall take  
 5 into consideration the following factors:
- 6 (i) The administrative cost of issuing the permit.
  - 7 (ii) The potential damage the vehicle represents to the  
 8 project.
  - 9 (iii) The potential safety hazard the vehicle represents.
- 10 (2) Establishing the ~~speed at which a vehicle may be driven on a~~  
 11 ~~toll road project, including a minimum speed and that a maximum~~  
 12 ~~speed not in excess of the maximum provided in IC 9 for motor~~  
 13 **vehicle may be driven** on the interstate defense network of dual  
 14 highways.
- 15 (3) Designating one-way traffic lanes on a toll road project.
- 16 (4) Determining the manner of operation of **motor** vehicles  
 17 entering and leaving traffic lanes on a toll road project.
- 18 (5) Determining the regulation of U-turns, of crossing or entering  
 19 medians, of stopping, parking, or standing, and of passing **motor**  
 20 vehicles on a toll road project.
- 21 (6) Determining the establishment and enforcement of traffic  
 22 control signs and signals for **motor** vehicles in traffic lanes,  
 23 acceleration and deceleration lanes, toll plazas, and interchanges  
 24 on a toll road project.
- 25 (7) Determining the limitation of entry to and exit from a toll road  
 26 project to designated entrances and exits.
- 27 (8) Determining the limitation on use of a toll road project by  
 28 pedestrians and aircraft and by vehicles of a type specified in such  
 29 rules and regulations.
- 30 (9) Regulating commercial activity on a toll road project,  
 31 including but not limited to:
- 32 (A) the offering or display of goods or services for sale;
  - 33 (B) the posting, distributing, or displaying of signs,  
 34 advertisements, or other printed or written material; and
  - 35 (C) the operation of a mobile or stationary public address  
 36 system.
- 37 (b) A person who violates a rule adopted under this section commits  
 38 a Class C infraction. However, a violation of a weight limitation

1 established by the authority under this section is:

2 (1) a Class B infraction if the total of all excesses of weight under  
3 those limitations is more than five thousand (5,000) pounds but  
4 not more than ten thousand (10,000) pounds; and

5 (2) a Class A infraction if the total of all excesses of weight under  
6 those limitations is more than ten thousand (10,000) pounds.

7 (c) It is a defense to the charge of violating a weight limitation  
8 established by the authority under this section that the total of all  
9 excesses of weight under those limitations is less than one thousand  
10 (1,000) pounds.

11 (d) The court may suspend the registration of a vehicle that violated  
12 a size or weight limitation established by the authority under this  
13 section for a period of not more than ninety (90) days.

14 (e) Upon the conviction of a person for a violation of a weight or  
15 size limitation established by the authority under this section, the court  
16 may recommend suspension of ~~his~~ **the person's** current chauffeur's  
17 license only if the violation was committed knowingly."

18 Page 1, line 10, strike "and".

19 Page 1, line 10, delete "." and insert ", (5), (6), and (7).".

20 Page 2, between lines 4 and 5, begin a new line block indented and  
21 insert:

22 **"(5) Sixty-five (65) miles per hour on:**

23 **(A) U.S. 20 from the intersection of U.S. 20 and County**  
24 **Road 17 in Elkhart County to the intersection of U.S. 20**  
25 **and U.S. 31 in St. Joseph County;**

26 **(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in**  
27 **St. Joseph County to the boundary line between Indiana**  
28 **and Michigan; and**

29 **(C) a highway classified by the Indiana department of**  
30 **transportation as an INDOT Freeway.**

31 **(6) On a highway that is the responsibility of the Indiana**  
32 **transportation finance authority established by IC 8-9.5-8-2:**

33 **(A) seventy (70) miles per hour for:**

34 **(i) a motor vehicle having a declared gross weight of not**  
35 **more than twenty-six thousand (26,000) pounds; or**

36 **(ii) a bus; or**

37 **(B) sixty-five (65) miles per hour for a motor vehicle having**  
38 **a declared gross weight greater than twenty-six (26,000)**

- 1            **thousand pounds.**
- 2            **(7) Sixty (60) miles per hour on a highway that:**
- 3            **(A) is not designated as a part of the national system of**
- 4            **interstate and defense highways;**
- 5            **(B) has four (4) or more lanes;**
- 6            **(C) is divided into two (2) or more roadways by:**
- 7            **(i) an intervening space that is unimproved and not**
- 8            **intended for vehicular travel;**
- 9            **(ii) a physical barrier; or**
- 10           **(iii) a dividing section constructed to impede vehicular**
- 11           **traffic; and**
- 12           **(D) is located outside an urbanized area (as defined in 23**
- 13           **U.S.C. 101) with a population of at least fifty thousand**
- 14           **(50,000).".**

15           Page 2, line 5, strike "(5)" and insert "(8)".

16           Page 2, after line 5, begin a new paragraph and insert:

17           "SECTION 3. IC 9-21-5-3 IS AMENDED TO READ AS

18           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed

19           limits set forth in section 2 of this chapter may be altered as follows:

- 20           (1) By local jurisdictions under section 6 of this chapter.
- 21           (2) By the Indiana department of transportation under section 12
- 22           of this chapter.
- 23           ~~(3) By the transportation finance authority under IC 8-15-2-17.2.~~
- 24           ~~(4)~~ **(3)** For the purposes of speed limits on a highway on the
- 25           national system of interstate and defense highways, by order of
- 26           the commissioner of the Indiana department of transportation to
- 27           conform to any federal regulation concerning state speed limit
- 28           laws.
- 29           ~~(5)~~ **(4)** In worksites, by all jurisdictions under section 11 of this
- 30           chapter.

31           SECTION 4. IC 9-26-3-5 IS AMENDED TO READ AS

32           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** The state police

33           department shall tabulate and may analyze all accident reports and shall

34           publish annually or at more frequent intervals statistical information

35           based on the reports as to the number and circumstances of traffic

36           accidents, **including:**

- 37           **(1) the total number of accidents; and**
- 38           **(2) the total number of fatalities resulting from traffic**

1 accidents.

2 (b) Beginning April 30, 2006, and on April 30 of each year  
 3 thereafter, if the number of fatalities reported in subsection (a)  
 4 exceeds the average annual number of fatalities in traffic accidents  
 5 from the previous five (5) years by at least seven percent (7%), the  
 6 state police department shall submit the report to the legislative  
 7 council and to the chairpersons of the committees of the house of  
 8 representatives and the senate that consider transportation issues.  
 9 The reports required under this subsection must be in an electronic  
 10 format under IC 5-14-6.

11 SECTION 5. IC 35-42-2-2 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this  
 13 section, "aggressive driving" means one (1) episode of continuous  
 14 driving of a vehicle by a person:

15 (1) that results in:

16 (A) bodily injury to another person; or

17 (B) property damage to the vehicle of another person; and

18 (2) during which at least three (3) of the following acts occur:

19 (A) Following a vehicle too closely in violation of  
 20 IC 9-21-8-14.

21 (B) Unsafe operation of a vehicle in violation of  
 22 IC 9-21-8-24.

23 (C) Overtaking another vehicle on the right by driving off  
 24 the roadway in violation of IC 9-21-8-6.

25 (D) Unsafe stopping or slowing a vehicle in violation of  
 26 IC 9-21-8-26.

27 (E) Unnecessary sounding of the horn in violation of  
 28 IC 9-19-5-2.

29 (F) Failure to yield in violation of IC 9-21-8-29 through  
 30 IC 9-21-8-34.

31 (G) Failure to obey a traffic control device in violation of  
 32 IC 9-21-8-41.

33 (H) Driving at an unsafe speed in violation of IC 9-21-5.

34 (I) Repeatedly flashing the vehicle's headlights.

35 (b) As used in this section, "hazing" means forcing or requiring  
 36 another person:

37 (1) with or without the consent of the other person; and

38 (2) as a condition of association with a group or organization;

1 to perform an act that creates a substantial risk of bodily injury.

2 ~~(b)~~ **(c)** A person who recklessly, knowingly, or intentionally  
3 performs:

4 (1) an act that creates a substantial risk of bodily injury to another  
5 person; or

6 (2) hazing;

7 commits criminal recklessness. Except as provided in ~~subsection (c)~~;  
8 **subsections (d) and (e)**, criminal recklessness is a Class B  
9 misdemeanor.

10 ~~(c)~~ **(d)** The offense of criminal recklessness as defined in subsection  
11 ~~(b)~~ **(c)** is:

12 (1) a Class A misdemeanor if:

13 **(A)** the conduct includes the use of a vehicle; **or**

14 **(B) the person engaged in aggressive driving;**

15 (2) a Class D felony if it is committed while:

16 **(A)** armed with a deadly weapon; or

17 **(B) the person engaged in aggressive driving and caused**  
18 **serious bodily injury to another person; or**

19 (3) a Class C felony if:

20 **(A)** it is committed by shooting a firearm ~~from a vehicle~~ into  
21 an inhabited dwelling or other building or place where people  
22 are likely to gather; **or**

23 **(B) it:**

24 **(i) is committed while the person engaged in aggressive**  
25 **driving; and**

26 **(ii) caused the death of another person.**

27 ~~(d)~~ **(e)** A person who recklessly, knowingly, or intentionally:

28 (1) inflicts serious bodily injury on another person; or

29 (2) performs hazing that results in serious bodily injury to a  
30 person;

31 commits criminal recklessness, a Class D felony. However, the offense  
32 is a Class C felony if committed by means of a deadly weapon.

33 ~~(e)~~ **(f)** A person, other than a person who has committed an offense  
34 under this section or a delinquent act that would be an offense under  
35 this section if the violator was an adult, who:

36 (1) makes a report of hazing in good faith;

37 (2) participates in good faith in a judicial proceeding resulting  
38 from a report of hazing;

1 (3) employs a reporting or participating person described in  
 2 subdivision (1) or (2); or

3 (4) supervises a reporting or participating person described in  
 4 subdivision (1) or (2);

5 is not liable for civil damages or criminal penalties that might otherwise  
 6 be imposed because of the report or participation.

7 ~~(f)~~ (g) A person described in subsection ~~(e)(1)~~ (f)(1) or ~~(e)(2)~~ (f)(2)  
 8 is presumed to act in good faith.

9 ~~(g)~~ (h) A person described in subsection ~~(e)(1)~~ (f)(1) or ~~(e)(2)~~ (f)(2)  
 10 may not be treated as acting in bad faith solely because the person did  
 11 not have probable cause to believe that a person committed:

12 (1) an offense under this section; or

13 (2) a delinquent act that would be an offense under this section if  
 14 the offender was an adult.

15 SECTION 6. [EFFECTIVE JULY 1, 2005] IC 35-42-2-2, as  
 16 amended by this act, applies only to offenses committed after June  
 17 30, 2005."

18 Renumber all SECTIONS consecutively.

(Reference is to SB 217 as printed February 4, 2005.)

**and when so amended that said bill do pass.**

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Representative Alderman